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STATE FOR EB/TPP/IPE AND SCA/CEN
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SUBJECT: DEFENDING TAJIKISTAN'S INTELLECTUAL PROPERTY

REF: STATE 184063

¶1. (U) SUMMARY: Tajikistan has taken significant steps over the past year to protect intellectual property, but much work remains in order to change its position on the Special 301 List. Advances include: an amendment to the Law on Intellectual Property to protect copyright owners from Internet theft; a new office dealing with intellectual property violations in the Ministry of Interior; and a November parliamentary agreement to join the Rome Convention for the protection of intellectual property. EmbOffs delivered talking points on the U.S. Trade Representative's Special 301 Initiative per reftel to government representatives who knowledgeably responded to the issues; however, U.S. technical assistance could prove critical to implement further changes to legislation and existing regulations. END SUMMARY.

¶2. (U) EmbOffs delivered talking points on intellectual property rights (IPR) to Alisher Karimov, Deputy Head of Customs Control in the Ministry of State Revenues and Tax Collection; Nemon Mukumov, Director of the Agency on Authors' Rights (AAR), Ministry of Culture; and Gennady Kupayi, 1st Deputy Director of the National Patent Information Center, Ministry of Economy and Trade on November 15-16. Tajikistan signed on to the Berne Convention on IPR in 2003, and will soon seek acceptance to the Rome Convention. Tajikistan participates in a Commonwealth of Independent States agreement to counter intellectual property crimes, and has domestic laws in Article 158 (2) of its administrative code and Article 156 of its criminal code on IPR violations. The government representatives are all proud of Tajikistan's accomplishments in the area of IPR, but noted the difficulties they face implementing and enforcing legislation, and requested U.S. technical assistance in providing training for Customs and Ministry of Interior officials.

¶3. (U) Tajik officials directly addressed two issues laid out in reftel on the effectiveness of Tajikistan's intellectual protection regime:

- Mukumov told EmbOffs that Tajikistan would join the Geneva convention on phonograms in the near future. According to Mukumov, Tajikistan amended its copyright law in 2003 and in 2006 -- the recent change defending author's rights in Internet usage.

- Karimov does not believe the Customs Code will be amended again in the foreseeable future to provide customs officials with "ex officio" authority in compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The Customs Code was adopted in 2005 and upholds Chapter Five of the 2005 Civil Code on intellectual property issues.

¶4. (U) Two major U.S. assistance programs will support

Tajikistan's defense of intellectual property rights. The Export Control and Related Border Security Assistance (EXBS) Program provides technical assistance to Tajik customs officials, but has not to date trained on copyright protection. The new USAID "Regional Trade Liberalization and Customs Project" will help Tajikistan in its efforts to join the World Trade Organization, an important part of which is bringing its IPR rules and regulations into compliance with TRIPS. The Ministry of Interior's compliance office is starting from scratch and will need support in every way.

15. (U) COMMENT: Despite the positive legislation, Tajikistan has taken few practical steps in defending intellectual property rights. Customs officials have no equipment to detect counterfeit products, and they do not check for violations unless a copyright owner specifically requests protection of his/her copyright. As with any matter in Tajikistan, it will take time to develop the capacity to implement legislative changes. END COMMENT.

JACOBSON